IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.352 OF 2006

Niranjana S. Valia & Anr. ...Petitioners.

Versus

Mahesh A. Talreja & Ors. ...Respondents.

...

ALONGWITH

WRIT PETITION NO.353 OF 2006

Niranjana S. Valia & Anr. ...Petitioners.

Versus

Manoj A. Talreja & Ors. ...Respondents.

...

ALONGWITH

WRIT PETITION NO.364 OF 2006

Himanshu S. Valia & Anr. ...Petitioners.

Versus

Roopkumar Balchand Rohra & Ors. ...Respondents.

...

Ms. Nita Solanki for the Petitioners.
Ms.Kavita Lalwani for Respondent No.1.
Shri K.Shaikh i/b W.I. Shaikh for Respondent No.5.

CORAM : S.C.DHARMADHIKARI,J.

DATE : 8th FEBRUARY, 2006.

P.C. :

. After hearing Ms.Solanki - learned Counsel appearing for the petitioners and perusing the order passed by the Court below, there is no reason to

interfere with the finding of fact recorded by the trial Court, at the stage of service of Writ of Summons. It is clear from a perusal of the provisions pertaining to service of Writ of Summons in a Suit which is filed against a partnership firm that all such defences as are available to the person who has been impleaded as a defendant are not affected and law contemplates appearance being filed under protest by denying that the person concerned (defendant) was a partner at the material time. Such defences are not taken away merely because the petitioner has been held to be properly served with the Writ of Summons. All petitions dismissed.

(S.C.DHARMADHIKARI,J.)